



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,055	08/15/2000	Pamela Boyer	B00-1065	1421

7590 01/14/2005

Thomas S Keaty Esq
Keaty Professional Law Corporation
2140 World Trade Center
No 2 Canal Street
New Orleans, LA 70130

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT PAPER

20041210

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Alvin C. Chin-Shue
Examiner
Art Unit: 3634

**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS
OF 37 CFR 1.192(c)**

The brief does not includes a statement that claims 1-4,22 and 23 do not stand or fall together, but gives reasons that they are separately patentable, as required under 37 CFR 1.192(c)(7). MPEP § 1206.

The brief contains a statement of the status of an amendment filed subsequent to the final rejection as required by 37 CFR 1.192(c)(4). This statement is correct, but Appellant misrepresent the reason for the amendment, that of overcoming the rejection under 35 U.S.C. 112. The examiner agreed to enter the amendment after final to overcome the rejection under 35 U.S.C. 112, but the examiner mistakenly overlook the added limitation “co-extensively” to claim 1. This limitation had nothing to do with overcoming the rejection under 35 U.S.C. 112, but only to change the scope of the claims and thus will not be entered. The other limitations to claims 1 and 3 address the rejections under 35 U.S.C 112 would be entered if presented separately and reflected in the appendix of the claims.

Appellant is required to comply with provisions of 37 CFR 1.192(c).

To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS:

(1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin C. Chin-Shue
Examiner
Art Unit 3634

ACS